

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOANNE CONWRIGHT,
Plaintiff,

v.

CITY OF OAKLAND, et al.,
Defendants.

NO. C09-2572 TEH

SCHEDULING ORDER AND
ORDER TO SHOW CAUSE

Defendant City of Oakland filed a motion to strike portions of Plaintiff Joanne Conwright's third amended complaint on November 24, 2010, and noticed its motion for hearing on January 24, 2011. Thus, pursuant to Civil Local Rule 7-3(a), Conwright's opposition was due on January 3, 2011. When no opposition was filed, this Court's deputy clerk contacted Conwright's counsel on January 4, and counsel informed the Court's deputy that she intended to file a stipulation to continue the motion hearing date. That stipulation was filed on January 5.

This is not the first time that Conwright's counsel has missed deadlines set by this Court's orders or local rules. First, counsel failed to file a case management statement for the initial case management conference on December 7, 2009. At that conference, the Court granted Conwright's oral motion for leave to file an amended complaint and granted counsel until January 15, 2010, to file Conwright's amended complaint. Counsel did not file the amended complaint until January 25, 2010. More recently, counsel missed not one, but two sets of deadlines relating to the opposition to the City's motion to dismiss the first amended complaint, and this Court issued orders to show cause on June 30, 2010, and July 27, 2010. Counsel paid a \$50.00 sanction discussed in the Court's June 30 Order to Show Cause, and the Court did not impose any additional sanctions. However, the Court advised counsel "that failure to comply with the Court's rules and deadlines in the future will be subject to

additional sanctions.” Aug. 8, 2010 Scheduling Order & Order Vacating Orders to Show Cause at 1. Despite this warning, Conwright’s counsel has missed yet another deadline.

In the interest of attempting to resolve this case on the merits, the Court will GRANT the parties’ stipulation to continue the case management conference and hearing date on the City’s motion to strike and will also GRANT Conwright’s request for an extended briefing schedule. However, Conwright’s counsel is again ORDERED TO SHOW CAUSE as to why monetary sanctions should not be imposed for her continued failure to follow the rules of this Court.

Accordingly, IT IS HEREBY ORDERED that:

1. The hearing on the City’s motion to strike and the case management conference are continued to **March 14, 2011, at 10:00 AM**. Conwright’s counsel shall also show cause at that time as to why sanctions should not be imposed for her continued failure to follow the rules of this Court.

2. Conwright’s opposition to the motion to strike shall be filed on or before **February 18, 2011**. Failure to file a timely opposition shall be construed as a non-opposition and shall result in the granting of the City’s motion in its entirety.

3. The City’s reply shall be filed on or before **February 28, 2011**.

4. Conwright shall file a written response to the order to show cause on or before **March 7, 2011**.

5. The parties shall meet and confer and file a joint case management conference statement on or before **March 7, 2011**.

IT IS SO ORDERED.

Dated: 01/07/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT